UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,741	08/17/2001	Lee E. Cannon	4657US(300-015)	4593

7590 12/18/2002

Marshall Gerstein & Borun
6300 Sears Tower
233 South Wacker Drive
Chicago, IL 60606-6402

EXAMINER
MENDOZA, ROBERT J

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 12/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/932,741	CANNON, LEE E.	
	Examiner	Art Unit	
	Robert J Mendoza	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 August 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-63* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12, 14-37, 38-49 and 51-63* is/are rejected.

7)☐ Claim(s) *13 and 50* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *5* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Objections

Claims 33 and 34 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Regarding claim 33, configuring a plurality of gaming machines for playing draw poker does not further limit the configuration of rows of cells. Regarding claim 34, the description of the rows of cells fails to further limit configuring gaming machines for playing draw poker.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 14-37, 42 and 51-63 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "said plurality" is misleading and fails to particularly point out if the applicant is referring to "a plurality of outcomes" or "a plurality of gaming machines." Appropriate correction required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-12, 14-36, 38-49, 51-58, 62, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (USPN 6,312,332) in view of Markowicz et al. (USPN 5,938,200).

Regarding claims 1, 14, 38 and 51, Walker discloses a method of conducting a game of chance providing at least one gaming machine adapted to be operably coupled with at least one display, at least one gaming machine having a random number generator configures for producing a plurality of outcomes including at least one specific outcome by disclosing in col. 5:43-54, further connected to the processor is a video display, for example a cathode ray tube, LCD, or LED. The video display is primarily for displaying game results. A random number generator is connected to the processor for generating a random or a pseudo-random number to determine an outcome and a payout. Regarding claim 3 and 40, Walker discloses at least one gaming machine comprises a plurality of gaming machines, and wherein a designator comprises a unique identifier for each gaming machine of the plurality of gaming machines by disclosing in col. 7:7-10, the basic operation of the video poker machine, a player optionally enters his personal, encoded playing card into tracker, whereby he is identified through communications channel to the slot server. Regarding claims 4, 5, 17-19, 41 and 42, Walker discloses apportioning and distributing at least one payout among gaming machines of the plurality of gaming machines according to a number of each of the unique identifiers by disclosing in col. 6:45-52, the bonus payout is the same for each team player. In alternate embodiments of the invention, the bonus payouts may vary amongst the players, for example favoring one or more players who contribute the most to achieving the bonus conditions with a higher payout. Regarding claims 8-12, 32-35 and 46-48, Walker

discloses a gaming machine for playing draw poker and playing card indicia including the royal flush by illustrating all these features in fig. 5. Regarding claims 15 and 16, Walker discloses associating differing award values to differing outcomes by disclosing in col. 6:22-31, bonus conditions indicate that when two royal flushes are obtained in total by the team players within two minutes of the initiation of a bonus time period, a bonus of five hundred coins are paid to the player of the video poker machine. When three four-of-a-kinds are obtained in total by the team players within thirty seconds, a bonus of twenty five coins is paid to the player of the video poker machine. Regarding claims 31 and 62, Walker discloses each gaming machine of the plurality of gaming machines is configured for playing a game of chance selected from the group consisting of reel clot machine games, poker games, blackjack games, keno games, lotto games, and bingo games by disclosing in col. 4:36-42, slot machines include, but are not limited to: video poker machines, reel symbol machines, video blackjack machines, lottery machines, bingo machines, and keno machines. Regarding claims 59 and 60. Walker discloses a bank of gaming machines comprising at least five gaming machines by disclosing in col. 4:45-47, the terms "group" and "team" are used interchangeably to identify a *plurality* of slot machines linked for cooperative play. Regarding claim 63, Walker discloses at least one display device is operably coupled to each gaming machine of the plurality of gaming machines via at least one of the Internet, a Wide Area Network, or a Local Area Network by disclosing in col. 4:52-54, the communication channel comprises an appropriate data communications system, for example a local or wide area network (LAN and WAN, respectively). However, Walker does not conspicuously configure the display of the video gaming machines to illustrate rows of cells that are

defined by rungs and earmarkable by designators, which visibly show the progress of the game. Instead, Walker, as shown in fig. 5, utilizes a different format of presenting the advancement of the game but discloses the functions and features as the claimed invention. Marckowicz, in an analogous game of chance system, teaches, in fig. 2 and col. 4:8-25, to play the game of chance each game participant progresses one *space* at a time along the *course* from strat location toward the termination point. A game participant progresses one space when one of its corresponding drawing elements is randomly selected from the total collection of available drawing elements. Each game participant must progress a sufficient quantity of spaces to reach the termination point. As discussed above and illustrated in fig. 2, Markowicz teaches having cells, rungs and designators responsive to at least one specific outcome resulting from at least one gaming machine. Marckowicz's disclosed invention could be easily *configured*, utilizing functions and features of Walker's disclosed gaming invention to conform to the present claim limitations. Therefore it would be obvious to one of ordinary skill in the art to implement Markowicz's display format into the disclosed invention of Walker. One would be motivated to combine the disclosures of Markowicz and Walker in order to visibly illustrate and faciltitate game players in following the progress of game.

Claims 59-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker and Marcowicz as applied to claim1-12, 14-36, 38-49, 51-58, 62, and 63 above, and further in view of Acres (USPN 6,319,125).

The disclosures of Walker and Markowicz were discussed above and are, therefore, incorporated herein. However, Walker and Markowicz lack in disclosing one display centrally located to be viewable from any gaming machine. Acres teaches having

an overhead display that is viewable by all players to follow the progress of a game (col. 6:64-67 & col. 8:30-32). Therefore, it would have been obvious to one of ordinary skill the art at the time the invention was made to incorporate the teachings of Acres into the disclosed inventions of Walker and Markowicz. One would be motivated to combine the teachings of Acres with the disclosures of Walker and Markowicz in order to allow a plurality of players to follow the developments and outcomes of games by providing a substantially large video display that displays game relative information.

Allowable Subject Matter

Claims 13 and 50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 37 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to gaming systems:

USPN 6,398,643 Knowles et al. discloses a gaming machine

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, V. Martin-Wallace, can be reached at (703) 308-1148.

RM
December 5, 2002

VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700